

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

STATE OF SOUTH CAROLINA,)
SOUTH CAROLINA DEPARTMENT OF)
HEALTH AND)
ENVIRONMENTAL CONTROL,)
SAVANNAH RIVER MARITIME)
COMMISSION, and)
AUGUSTA, GEORGIA,)

Plaintiffs,)

v.)

UNITED STATES ARMY CORPS OF)
ENGINEERS,)
UNITED STATES ARMY CORPS OF)
ENGINEERS, SAVANNAH DISTRICT,)
RYAN MCCARTHY, in his official)
capacity as Secretary of the Army,)
LT. GENERAL TODD T. SEMONITE,)
in his official capacity as)
Commanding General and Chief)
of Engineers, U.S. Army Corps of Engineers,)
MAJOR GENERAL DIANA M. HOLLAND,)
in her official capacity as Commanding)
General, South Atlantic Division,)
U.S. Army Corps of Engineers,)
COLONEL DANIEL H. HIBNER, in his)
official capacity as District Engineer,)
U.S. Army Corps of Engineers,)
Savannah District, and)
GEORGIA PORTS AUTHORITY,)

Defendants.)

C/A No. 1:19-cv-03132-RMG

**CONSENT MOTION TO ENLARGE
TIME FOR SOUTH CAROLINA TO
REPLY TO INTERVENOR GEORGIA
PORTS AUTHORITY'S RESPONSE
TO MOTION FOR PARTIAL
SUMMARY JUDGMENT AND FOR
ENLARGEMENT OF THE PAGE
LIMITATION OF THE REPLY**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rules 6.01, 7.01, 7.05, and 7.07, of the Local Rules of the United States District Court for the District of South Carolina (D.S.C.), Plaintiffs the State of South Carolina, South Carolina Department of Health and Environmental Control, and the Savannah River Maritime Commission (collectively the State or

South Carolina) respectfully move this Court for an order enlarging both the time period to file a reply, as well as the page limitations for that reply, set forth in the Rules. This consent motion is made on the following grounds:

1. On February 13, 2020, the Georgia Ports Authority's (GPA) filed a Response in Opposition (dkt.#36) to the Motion for Partial Summary Judgment filed by the South Carolina (dkt.#12).

2. A Response in Opposition was not referenced in the consolidated briefing deadlines and page limitations entered by the Court related to the Motion for Partial Summary Judgment. *See Order Granting Joint Motion for Leave to File Consolidated Briefs and Enlarge Page Limits*, dkt. #32.

3. The time to file a reply to GPA's Response in Opposition could cause prejudice to the State in replying out of sequence and duplicating workload efforts relative to the scheduling order for the State and Federal Defendants to brief the Motion for Partial Summary Judgment.

4. Reserving all arguments, the State moves, and GPA consents, to an extension of time to file a reply to the Response in Opposition until March 27, 2020, and for an enlargement of pages in the reply to 25 pages.

WHEREFORE, the South Carolina prays that the Court will grant the relief sought herein.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

Alan Wilson, Fed. Bar No. 10457
Robert D. Cook, Fed. Bar No. 285
T. Parkin Hunter, Fed. Bar No. 2018
**ATTORNEY GENERAL FOR
THE STATE OF SOUTH CAROLINA**
Post Office Box 11549
Columbia, South Carolina 29211-1549
agwilson@scag.gov
agrcook@scag.gov
phunter@scag.gov
(803) 734-3970

s/Chad N. Johnston
Randolph R. Lowell, Fed. Bar No. 9203
Chad N. Johnston, Fed. Bar No. 10813
WILLOUGHBY & HOEFER, PA
133 River Landing Drive, Suite 200
Charleston, South Carolina 29492
rlowell@willoughbyhoefer.com
cjohnston@willoughbyhoefer.com
(843) 619-4426

*Attorneys for the State of South Carolina, Savannah
River Maritime Commission, and South Carolina
Department of Health and Environmental Control*

Stephen P. Hightower, Fed. Bar No. 9591
**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
CONTROL**
2600 Bull Street
Columbia, South Carolina 29201
hightosp@dhec.sc.gov
(803) 898-3350

*Attorney for South Carolina Department of Health
and Environmental Control*

February 19, 2020
Columbia, South Carolina